

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ZURI SANAKABISA YOUNG,
Plaintiff,
v.
RYAN EHLERS, et al.,
Defendants.

No. 2:23-cv-2558 DJC AC P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed a motion to reconsider the January 10, 2024 order denying his motions to proceed in forma pauperis. (ECF No. 9.)

Local Rule 230(j) requires that a motion for reconsideration state “what new or different facts or circumstances are claimed to exist which did not exist or were not shown upon such prior motion, or what other grounds exist for the motion; and . . . why the facts or circumstances were not shown at the time of the prior motion.” L.R. 230(j)(3)-(4). Plaintiff’s motion for reconsideration does not present any new or different facts or circumstances that would demonstrate that he was in imminent danger of serious physical injury *at the time he filed the complaint*. The exception allowing prisoners to bring a civil action despite having three strikes where the prisoner is under imminent danger of serious physical injury, 28 U.S.C. § 1915(g),

1 requires that the danger exist "at the time the prisoner filed the complaint." *Andrews*
2 *v. Cervantes*, 493 F.3d 1047, 1054 (9th Cir. 2007). Accordingly, incidents that
3 allegedly occurred on January 11th, 2024 as described in the Motion for
4 Reconsideration are irrelevant.

5 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for reconsideration
6 (ECF No. 9) is DENIED. Although Plaintiff has not paid the entire \$402.00 filing fee as
7 required by this Court's January 10, 2024 Order (ECF No. 8), the Court will grant an
8 additional 30 days from the date of this Order for Plaintiff to pay this fee. No further
9 extensions to pay the filing fee are contemplated and failure to comply with this Order
10 will result in dismissal of this case.

11 This matter is referred back to the Magistrate Judge for all further pretrial
12 proceedings.

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14 IT IS SO ORDERED.

15 Dated: **March 8, 2024**


16 Hon. Daniel J. Calabretta
17 UNITED STATES DISTRICT JUDGE
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